

STATE OF CALIFORNIA  
REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION

# AGENDA

**Wednesday, March 11, 2009  
9:00 a.m.**

**Water Quality Control Board  
Regional Board Meeting Room  
9174 Sky Park Court  
San Diego, California**

The Regional Board requests that all lengthy comments be submitted in writing in advance of the meeting date. To ensure that the Regional Board has the opportunity to fully study and consider written material, comments should be received in the Regional Board's office no later than noon on Thursday, February 26, 2009,\* and should indicate the agenda item to which it is applicable. If the submitted written material is more than 5 pages or contains foldouts, color graphics, maps, etc., 20 copies must be submitted for distribution to the Regional Board members and staff. Written material submitted after 5:00 P.M. on Tuesday, March 3, 2009 will not be provided to the Regional Board members and will not be considered by the Regional Board.

***\*PLEASE NOTE THAT SOME ITEMS ON THE AGENDA MAY HAVE BEEN PREVIOUSLY NOTICED WITH EARLIER DEADLINES FOR SUBMITTING WRITTEN COMMENTS OR MAY HAVE A SEPARATE HEARING PROCEDURES DOCUMENT THAT ESTABLISHES DIFFERENT DEADLINES FOR SUBMITTING WRITTEN MATERIALS. IN THOSE CASES THE EARLIER DEADLINES APPLY.***

Comments on agenda items will be accepted by E-mail subject to the same conditions set forth for other written submissions as long as the total submittal (including attachments) does not exceed five printed pages in length. E-mail must be submitted to: [rb9agenda@waterboards.ca.gov](mailto:rb9agenda@waterboards.ca.gov) to insure consideration by the Regional Board. Type the word "Agenda" in the subject line.

Pursuant to Title 23, California Code of Regulations, Section 648.4, the Regional Board may refuse to admit written testimony into evidence if it is not submitted to the Regional Board in a timely manner, unless the proponent can demonstrate why he or she was unable to submit the material on time or that compliance with the deadline would create an unreasonable hardship.

NOTE C, attached to this Notice, refers to the procedures that will be followed by the Regional Board in contested adjudicatory matters if a separate Hearing Procedures Document has not been issued for a particular agenda item. Parties requesting an alternate hearing process must do so in accord with the directions in NOTE C. Any such request, together with supporting material, must be received in the Regional Board's office no later than noon on Thursday, February 26, 2009.

**Except for items designated as time certain, there are no set times for agenda items. Items may be taken out of order at the discretion of the Chairman.**

1. Roll Call and Introductions
2. PUBLIC FORUM: Any person may address the Board regarding a matter within the Board's jurisdiction that is not related to an item on this Meeting agenda and is not scheduled for a future Meeting. **Comments will generally be limited to three minutes, unless otherwise directed by the Chair.** Any person wishing to make a longer presentation should contact the Executive Officer at least ten days prior to the meeting.
3. Minutes of Board Meeting: February 11, 2009.
4. Chairman's, Board Members', State Board liaison's and Executive Officer's Reports: These items are for Board discussion only. No public testimony will be allowed, and the Board will take no formal action.

**Consent Calendar: Items 5 through 7 are considered non-controversial issues. (NOTE: If there is public interest, concern or discussion regarding any consent calendar item or a request for a public hearing, then the item(s) will be removed from the consent calendar and considered after all other agenda items have been completed.)**

5. Modification of Waste Discharge Requirements: Kamp Anza RV Resort, Riverside County, Change in Ownership (Tentative Addendum No. 1 to Order No. 98-084) (*Cathryn Henning*)
6. NPDES Permit Rescission: Waste Discharge Requirements for S & S Farms Swine Raising Facility, San Diego County, Order No. R9-2002-0067, NPDES No. CA0109371. (Tentative Order No. R9-2009-0036) (*Michelle Mata*)
7. New Waste Discharge Requirements: Master Reclamation Permit with WDRs for the SRTTP U.S. Marine Corps Base Camp Pendleton (Tentative Order No. R9-2009-0021) (*Robert Pierce*)

**Remainder of the Agenda (Non-Consent Items):**

8. Public Workshop: Regulation of Recycled Water Discharges in the San Diego Region (*Robert Pierce and Bob Morris*)
9. Update of Waste Discharge Requirements: Ramona Municipal Water District, San Vicente Wastewater Treatment Plant, San Diego County, Issuance of Master Reclamation Permit (Tentative Order No. R9-2009-0005) (*Cathryn Henning*)
10. Resolution to request funding from the State Water Pollution Cleanup and Abatement Account administration by the State Water Resources Control Board for Phase One of the Tijuana River Valley Trash/Sediment Transport and Deposition Study. (Tentative Resolution No. R9-2009-0035) (*Benjamin Tobler*)

11. Workshop: Informational workshop on the Regional Board's enforcement function, emphasizing implementation of the State Water Board's Water Quality Enforcement Policy and consideration of supplemental environmental projects. Public comments are encouraged. The Regional Board will not be taking action on this item. (*Jeremy Haas*)
12. Status Report: Conditional Waiver for Agriculture and Nursery Operations-The Regional Board staff will provide an overview of the Agriculture and Nursery Operations Waiver that was adopted on October 10, 2007 as part of Order No. R9-2007-0104. The overview will include a discussion of the requirements and implications of the waiver, Regional Board implementation efforts to date, and projections of efforts to come. Public comments are encouraged. The Regional Board will not be taking action on this item. (*Peter Peuron*)
13. Information Item: The Board will discuss issues associated with the use of hearing panels to hear administrative civil liability matters pursuant to Water Code section 13228.14 (*John Robertus*)
14. *Closed Session* - Discussion of Ongoing Litigation [Authorized under Government Code Section 11126, subd. (e)]  
The Regional Board may meet in closed session to discuss ongoing litigation for the following cases:
  - a. *People of the State of California Ex Rel. the Regional Water Quality Control Board, San Diego Region v. Carlos Marin, an individual in his capacity as Commissioner of the International Boundary and Water Commission, United States Section, et al.,* Complaint for Violations of the Clean Water Act and Related State Law Claims. United States District Court, Southern District of California, Case No. 01-CV-027BTM(JFS) (filed February 2001). (*John Robertus*)
  - b. *Surfrider Foundation v. California Regional Water Quality Control Board -- San Diego Region and California State Water Resources Control Board; (Cabrillo Power I, LLC, Real Party-in-Interest),* Petition for Writ of Mandate. San Diego County Superior Court, Case No. 37 2007-00069621-CU-PT-CTL (filed July 2007). (*Brian Kelley*)
  - c. *William G. Dickerson and Heidi Dickerson, Husband and Wife; Larry Gunning and Penelope L. Gunning, Husband and Wife; and Perry & Papenhausen, Inc., a California Corporation v. San Diego Regional Water Quality Control Board, a Public Entity,* Petition for Writ of Mandate. San Diego County Superior Court, Case No. 37-2007-00075846-CU-WM-CTL (filed September 2007). (*Frank Melbourn*)
  - d. *In re: Test Claim on California Regional Water Quality Control Board, San Diego Region, Order No. R9-2007-001, (NPDES No. CAS0108758) Waste Discharge Requirements for Discharges of Urban Runoff from the Municipal Separate Storm Sewer Systems (MS4s) Draining the Watersheds of the County of San Diego, the Incorporated Cities of San Diego County, the San Diego Unified Port District, and the San Diego County Regional Airport Authority adopted on January 24, 2007.* Test Claim filed by San Diego County, et al., with Commission on State Mandates, No. 07-TC-09 (filed June 2008). (*Catherine George Hagan*)
  - e. *Surfrider Foundation v. California Regional Water Quality Control Board -- San Diego Region, (Poseidon Resources, Real Party-in-Interest),* Petition for Writ of Mandate. San Diego County Superior Court, Case No. 37-2008-00091983-CU-WM-CTL (filed September 2008). (*Michelle Mata*)

- 15. *Closed Session - Consideration of Initiation of Litigation or Discussion of Significant Exposure to Litigation*  
 The Regional Board may meet in closed session to initiate or consider initiating litigation against persons who are alleged to have violated the Porter-Cologne Water Quality Control Act or the federal Clean Water Act or to discuss significant exposure to litigation [Authorized under Government Code Section 11126(e)] (*John Robertus*)
  
- 16. *Closed Session - Deliberation on a Decision to be Reached Based on Evidence Introduced in a Hearing*  
 The Regional Board may meet in closed session to consider evidence received in an adjudicatory hearing and to deliberate on a decision to be reached based upon that evidence [Authorized under Government Code Section 11126(c)(3)]
  
- 17. *Closed Session - Personnel*  
 The Regional Board may meet in closed session to consider personnel matters involving public employees [Authorized under Government Code Section 11126(a)]
  
- 18. Arrangements for Next Meeting and Adjournment  
 Wednesday, April 8, 2009 - 9:00 a.m.  
 Ocean Institute (*tentative*)  
 Conference Center  
 24200 Dana Point Harbor Drive  
 Dana Point, California

**Notifications**

**A. Public Participation 30-day Notice**

The Regional Board intends to issue a no further action letter for remediation of the unauthorized release of petroleum wastes at the following sites located on the Naval Outlying Landing Field (NOLF) at Imperial Beach California:

UST Site Name	Building Number	Waste Type
Site 915	52	Diesel and Motor Oil
Site 917	56	Diesel and Motor Oil
Site 919	58	Diesel
Site 927	31	Diesel and Motor Oil
Site 931	27	Diesel and Motor Oil
Site 933	69	Diesel and Motor Oil

This notification is made pursuant to California Code of Regulations, Title 23, Chapter 16, Article 11, §2728. The results from investigations conducted from July to August 2007, indicated that residual soil impacts are of limited extent and unlikely to have impacted ground water. Based upon the existing information, the residual concentrations of fuel constituents do not pose a threat to human health or the environment, and the unauthorized release cases may be closed. Provided no significant issues arise during the public notification period, the Regional Board will issue a no further action letter in April 2009. (*Cheryl Prowell*)

**B. Public Participation 30-day Notice**

The Regional Board intends to issue a no further action letter for remediation of an unauthorized release of petroleum fuel wastes from a leaking underground storage tank (UST) case at Building 13113 at Marine Corps Base Camp Pendleton, California. This notification is made

pursuant to California Code of Regulations, Title 23, Chapter 16, Article 11, section 2728. The UST was removed in 1996. Verification monitoring included nine quarters of groundwater monitoring activities (between August 1998 and April 2004) and additional site assessment of residual soil impacts (conducted in June to July 2008). The results of these analyses indicated that the diesel fuel groundwater pollution is minimal and stable, and the maximum residual concentration of petroleum hydrocarbons fuel waste was found to be 550 mg/kg at 10 feet below ground surface. Based upon the existing information, the residual concentrations of fuel constituents do not pose a threat to human health or the environment as long as the current land use condition remain unchanged, and the unauthorized release case may be closed.

Provided no significant issues arise during the public notification period, the Regional Board will issue a no further action letter in April 2009. *(Helen Yu)*

### **C. Public Participation 30-day Notice**

Naval Radio Receiver Facility (NRRF: Site 10), Coronado - The maximum detected copper concentration does not represent a constant input to the receiving water body and the closest surface water receptor (the ocean) is approximately one-third of a mile from this site. Although copper concentrations from two groundwater sampling events were above water quality objectives for protection of human health and aquatic life; the narrow range of detection and uniformity of copper concentrations in groundwater samples and lack of a spatial gradient indicate a natural source for the presence of these constituents in groundwater. The copper concentrations detected in groundwater do not appear to pose a threat to aquatic receptors. The Department of Navy has determined that the existing site conditions are protective of human health and the environment, complies with applicable Federal and State requirements, and recommends a course of no further remedial action at the site. The case files are available for public review by submitting a file review request to the Regional Board office. Additional information regarding this site is included in the "Technical Fact Sheet for No Further Action at Installation Restoration (IR) Site 10, Naval Radio Receiver Facility (NRRF), Coronado, California" available on-line from the Geotracker database as the following address:  
[https://geotracker.waterboards.ca.gov/regulators/deliverable\\_documents/6140058219/TECHNICAL%20FACT%20SHEET%20FOR%20NO%20FURTHER%20ACTION%20AT%20IR%20SITE%2010.pdf](https://geotracker.waterboards.ca.gov/regulators/deliverable_documents/6140058219/TECHNICAL%20FACT%20SHEET%20FOR%20NO%20FURTHER%20ACTION%20AT%20IR%20SITE%2010.pdf)

This public notice fulfills the Regional Board's obligation to inform the public of the proposed actions pursuant to the State and Regional Boards' Public Participation guidance document. Provided no significant issues arise during the public notification period, the Regional Board will concur with the No Further Action recommendation for IR Site 10, NRRF. *(Sherrie Komeilyan)*

### **DIRECTIONS TO REGIONAL BOARD MEETING**

From Downtown: I-15 north - take the Aero Drive exit - turn left (west). Proceed to the 3<sup>rd</sup>

stoplight, which is Ruffin Road – turn right. Turn left on Sky Park Court (stoplight). Our building is located at the end of the court – veer to the right into the parking lot.

From the North: I-15 south - take the Balboa Ave. exit - turn right (west). Proceed to the 2<sup>nd</sup> stoplight, which is Ruffin Road – turn left. Turn right on Sky Park Court (stoplight). Our building is located at the end of the court – veer to the right into the parking lot.